

TABLE 1 – SUMMARY OF IMPACTS AND MITIGATION / FINDING

Impact		LPP Policy	Mitigation	Finding	Reference Location (Reference to Staff Recommendation)
Significant Impacts Identified in EIR (Reference to DEIR Impact)	LPP Issue				
1. Effects on Vernal Pool Crustaceans (4.2-2) 2. Effects on California Tiger Salamander (4.2-5) 3. Effects on Burrowing Owl (4.2-6) 4. Effects on Other Raptors (4.2-7) 5. Effects on Sensitive Aquatic Habitats (4.2-9) 6. Potential Bird Strikes with Airplanes from Travis AFB (4.6-4)	<p>ECOLOGICAL IMPACTS:</p> <p>Loss of habitat and/or impacts to species (identified in FWS BO and Scientific Panel Report):</p> <ul style="list-style-type: none">Plants: Contra Costa goldfields, San Joaquin saltbush and crownscale, loss of native species.Invertebrates: conservancy fairy shrimp, vernal pool tadpole shrimp and vernal pool fairy shrimpAmphibians: California tiger salamander (CTS)Birds: Burrowing owls, raptors, curlews, corvids, Loggerhead Shrikes, Northern Harriers, Golden Eagles.	<p>LPP, Policy 4, Utilities, Facilities and Transportation – “<i>The Solano Garbage Company should be permitted to continue its existing County approved operation until it reaches capacity. Expansion of this facility or development of a new site in the Potrero Hills should be permitted if it can be shown that the construction and operation...will not have significant adverse ecological or aesthetic impacts on the Marsh.</i>”</p> <p>LPP, Policy 1, Wildlife Habitat Management and Preservation –“<i>The diversity of habitats in the Suisun Marsh and surrounding upland areas should be preserved and enhanced wherever possible to maintain the unique wildlife resource.</i>”</p> <p>LPP, Policy 2, Agriculture - “<i>The value of the upland grassland and cultivated lands as habitats for Marsh-related wildlife should be maintained and enhanced where possible by planting or encouraging valuable wildlife food or cover plant species.</i>”</p> <p>LPP, Policy 3, Agricultural and Open Space – “<i>Existing uses should continue in the upland grasslands...to protect the Marsh and preserve valuable marsh-related wildlife habitats. Where feasible, the value of upland grasslands and cultivated lands as habitat for marsh-related wildlife should be enhanced.</i>”</p>	<ul style="list-style-type: none">Preserve 914.71-acres of upland agricultural habitat in the secondary management area and 71.2-acres of water features and dedicate for wildlife use in perpetuity.Create additional 8.07-acres of water features and dedicate for wildlife use in perpetuity.Require approval of final Biological Opinion from USFWS prior to construction.Specific mitigation for plant species: require approval of Final Grassland Management Plan to promote native species; require increased native vegetation planting in mitigation areas and on final landfill cover.Specific mitigation for Contra Costa goldfields: fence habitat during construction; train construction personnel with USFWS-approved biologist.Specific mitigation for vernal pool shrimp: restore and create habitat areas during dry season only; train construction personnel with USFWS-approved biologist; provide 250-foot buffer around ponds.Specific mitigation for CTS: install barrier-proof fencing; trap and relocate CTS from construction areas; eliminate ground squirrel control in mitigation areas; limit construction in certain areas to late summer or early fall; preserve ponds in mitigation areas. Minimize night-lighting impacts by using a small number of lights in a manner that avoids off-site reflection and glare, with a maximum of seven construction light plants. Lights will be located far enough from the Ponds to prevent impacts to special status species.Specific mitigation for burrowing owls: conduct owl surveys within 75 meters of construction areas; if burrows are found, 50-meter buffer around burrows during non-breeding season, 75-meter buffer during breeding season, and preserve 6.5-acre foraging habitat around burrows; if impacts to	<p>Based on the information provided regarding special-status species and other species at the site provided by the Scientific Panel Report, the requirements of the draft USFWS Biological Opinion, and the mitigation proposed, the project will not have a “significant adverse ecological impacts” on the Marsh, pursuant to Policy 4 of the Utilities, Facilities, and Transportation section of the LPP.</p> <p>Changes or alternations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect to less than significant. Additional changes or alterations are within the responsibility and jurisdiction of another public agency and can and should be adopted by another agency (USFWS, CDFG),</p>	<ul style="list-style-type: none">Discussion on pp. 22 – 33Sp. Cond. II-D, Conservation Areas (p. 10)Sp. Cond. II-E, Mitigation and Habitat Monitoring (p. 11)Sp. Cond. II-F, Minimizing Impacts to Special-Status Species (p. 12)Sp. Cond. II-G, Gulls and Corvids Abatement Program (p. 13)Sp. Cond. II-J, Night-Lighting Restriction (p. 14)

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			<p>burrows are unavoidable, use CDFG-approved passive relocation techniques.</p> <ul style="list-style-type: none"> Specific mitigation for gulls and corvids: expand existing gull abatement program; modify abatement program to include latest techniques and methods; minimize active landfill face; Commission review and approval of a corvid monitoring program. 		
<p>7. Public Health Hazards Associated with Expanded Landfill Gas Generation (4.6-1)</p> <p>8. Air Quality Impacts Associated with Expanded Landfill Operations (4.9-1)</p> <p>9. Odors Generated From Landfill Operations (4.9-4)</p>	<p>AESTHETIC IMPACTS:</p> <ul style="list-style-type: none"> Odor 	<p>LPP, Policy 4, Utilities, Facilities and Transportation – “...the construction and operation...will not have significant adverse ecological or aesthetic impacts on the Marsh.”</p> <p>No policies addressing public health or emissions.</p>	<ul style="list-style-type: none"> Require approval of Odor Impact Minimization Plan by Local Enforcement Agency (LEA) prior to construction and mitigation measures in plan to include those identified in the FEIR, such as: conducting certain operations on the southern edge of site and increasing frequency of cover on active landfill site. Require approvals from BAAQMD to be obtained prior to construction. 	<p>By requiring that approvals from the BAAQMD be obtained prior to construction, and requiring odor minimization measures that meet the criteria set forth in Condition III-P, the Commission finds that the odors generated from the landfill expansion will not result in significant adverse aesthetic impacts on the Marsh.</p> <p>With respect to the public health impacts and air quality impacts associated with expanded landfill operations, the Commission finds that changes or alterations are within the responsibility and jurisdiction of another public agency and not BCDC. Such changes have been adopted by the County or will be adopted by the BAAQMD or LEA.</p>	<ul style="list-style-type: none"> Discussion on pp. 34 – 36 Sp. Cond. II-O, Power Plant and Air Quality (p. 15) Sp. Cond. II-P, Odor Control (p. 15)
10. Altered Views from the North and Northwest (4.10-1)	<p>AESTHETIC IMPACTS:</p> <ul style="list-style-type: none"> Increased Height 	<p>LPP, Policy 4, Utilities, Facilities and Transportation – “...the construction and operation...will not have significant adverse ecological or aesthetic impacts on the Marsh.”</p>	<ul style="list-style-type: none"> Limit height to 220 feet above MSL (the permitted height of Phase I site), unless it can be shown that additional height would not be visible from viewpoints within the Marsh. Require final plan review approval of grading plan showing the final height of the landfill and visual simulations that show heights are below the sightline at specified locations within the Marsh within 6 months of permit issuance. 	<p>By limiting the height of the landfill to 220 feet above MSL or a height that is not visible from certain viewpoints, pursuant to final plan review, the project will not result in significant adverse aesthetic impact on the Marsh.</p> <p>Mitigation has been required and incorporated into the project which avoids or substantially lessen the significant environmental effect to less than significant.</p>	<ul style="list-style-type: none"> Discussion on pp. 36 - 42 Sp. Cond. II-H, Height Limitation (p. 14) Sp. Cond. II-A, Specific Plans and Plan Review (p. 7)
11. Expansion of Night Lighting (4.10-2)	<p>AESTHETIC IMPACTS:</p> <ul style="list-style-type: none"> Night-lighting 	<p>LPP, Policy 4, Utilities, Facilities and Transportation – “...the construction and operation...will not have significant adverse ecological or aesthetic impacts on the Marsh.”</p>	<ul style="list-style-type: none"> Require night-lighting to be limited to 7 units, four lights per unit, no higher than 15 feet tall, colored, downcast, and only in operation under supervision. Limit height of landfill to 220 feet above MSL, unless it can be shown that additional height would not be visible from viewpoints within the Marsh. The height reduction will allow night-lighting to be shielded by the hills. 	<p>By restricting night-lighting and the height of the landfill, the increase in night-lighting will not result in a significant adverse aesthetic impact on the Marsh.</p> <p>Mitigation or changes have been required and incorporated into the project which avoid or substantially lessen the significant environmental effect to less than significant.</p>	<ul style="list-style-type: none"> Discussion on pp. 42 - 43 Sp. Cond. II-J, Night-Lighting Restriction (p. 14)

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Significant Impacts Identified in EIR (Reference to DEIR Impact)	LPP Issue				
12. Increased Litter Generation (4.10-4)	AESTHETIC IMPACTS: <ul style="list-style-type: none"> Litter 	LPP, Policy 4, Utilities, Facilities and Transportation – “...the construction and operation...will not have significant adverse ecological or aesthetic impacts on the Marsh.”	<ul style="list-style-type: none"> Require final review and approval of litter control program, prior to construction. Require litter control program to include mitigation measures such as: enclosing active site with fences and increasing daily pick-up. 	<p>By requiring final review and approval of a litter control program prior to construction, the increased litter will not result in a significant adverse aesthetic impact on the Marsh.</p> <p>Mitigation has been required and incorporated into the project which avoid or substantially lessen the significant environmental effect to less than significant.</p>	<ul style="list-style-type: none"> Discussion on pp. 43 - 44 Sp. Cond. II-K, Litter Control (p. 14)
13. Visual Changes Associated with the Construction of Ancillary Facilities (4.10-3)	AESTHETIC IMPACTS: <ul style="list-style-type: none"> Ancillary Structures: truck-washing facility, landfill gas-to-energy facility and power lines, new visitor center, four water storage tanks 	LPP, Policy 4, Utilities, Facilities and Transportation – (see above)	<ul style="list-style-type: none"> Require final plan review approval of all ancillary structures prior to construction. Require all ancillary structures to be shielded and hidden within the Potrero Hills whenever possible, and constructed in appropriate scale, size and color to blend into the landscape. Require vegetated berm to shield water storage tanks located along north side of Potrero Hills, near the Griffith-6R well; water tanks’ location is necessary to avoid construction of water pipelines through sensitive landfill or mitigation areas. 	<p>By requiring final plan review approval of all ancillary structures and that they be shielded and hidden within the Potrero Hills and constructed to blend into the landscape, including the use of vegetated berm to shield the four water tanks, the project will not result in a significant adverse aesthetic impact on the Marsh.</p> <p>Mitigation has been required and incorporated into the project which avoid or substantially lessen the significant environmental effect to less than significant.</p>	<ul style="list-style-type: none"> Discussion on pp. 44 - 46 Sp. Cond. II-I, Ancillary Structures (p. 14) Sp. Cond. II-A, Specific Plans and Plan Review (p. 7)
14. Erosion, loss of topsoil (4.3-4) 15. Increased Erosion Potential affecting water quality (4.4-1) 16. Surface Water Quality (4.4-2)	LOSS OF SPRING BRANCH CREEK <ul style="list-style-type: none"> Loss of Spring Branch Creek and its tributaries by re-channelizing it into a pipe along the southern edge of landfill footprint. Loss of riparian vegetation along the creek. 	<p>LPP, Soil and Erosion Control Ordinance §31-300(n) and (o) –</p> <p><i>“every effort be made to preserve natural channels and drainageways,”</i></p> <p><i>filling, grading, or excavating watercourses and removing riparian vegetation “shall only be allowed where no reasonable alternative is available and where allowed, shall be limited to the minimum amount necessary.”</i></p> <p>LPP, Policy 4, Utilities, Facilities and Transportation – “...the construction and operation...will not have significant adverse ecological or aesthetic impacts on the Marsh.”</p> <p>Water quality issues are left to the RWQCB.</p>	<ul style="list-style-type: none"> Changes have been incorporated into the project to avoid or minimize the potential for increased soil erosion and degradation of surface water quality. Require approvals by RWQCB be obtained to ensure water quality standards, prior to construction. 	<p>Based on the information available to staff that includes the landfill’s statement that a smaller footprint that avoids Spring Branch Creek would be financially infeasible, and by requiring that approvals from the RWQCB be obtained prior to construction, every effort has been made to preserve Spring Branch Creek, there is no reasonable alternative to diverting Spring Branch Creek, and the filling is the minimum amount necessary to achieve the project.</p> <p>Mitigation or changes have been required and incorporated into the project which avoid or substantially lessen the significant environmental effect to less than significant. Additional, changes or alterations are within the responsibility and jurisdiction of another public agency and not BCDL. Such changes have been or will be adopted by another agency, including:</p>	<ul style="list-style-type: none"> Discussion on pp. 46 - 54 Sp. Cond. II-N, Water Quality (p. 15)

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Significant Impacts Identified in EIR (Reference to DEIR Impact)	LPP Issue				
				<ul style="list-style-type: none"> • Requiring final design documents for landfill expansion to be prepared pursuant to CCR Title 27, §§20365, 21090, 21150, and 21750, which requires engineered controls to limit erosion associated with facility operations. • Requiring final RWQCB approval for water quality standards. 	
17. Consistency with LPP Policies Regarding Undergrounding Power Lines (4.1-3)		<p>LPP, Policy I(c), Utilities, Facilities, and Transportation</p> <p><i>“...new electric lines for local distribution should be installed underground unless undergrounding would have a greater adverse environmental affect on the Marsh than above-ground construction, or the cost of underground installation would be so expensive as to preclude service. Any distribution line necessary to be constructed above ground should have all wires at least six feet apart.”</i></p>	<ul style="list-style-type: none"> • Require all new power lines be underground, pursuant to LPP policy. • If above-ground lines are necessary, require permittee to submit request in writing justifying why lines would be consistent with LPP policy. • Also require visual simulations to ensure lines will not have adverse aesthetic impact. 	<p>By requiring all new power lines be underground except in limited circumstances as set forth in the LPP, new power lines will be consistent with Policy I(c), of the Utilities, Facilities and Transportation section of the LPP.</p> <p>Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to less than significant.</p>	<ul style="list-style-type: none"> • Discussion on pp. 54 - 55 • Sp. Cond. II-L, Power Lines (p. 15)
<p>18. Faulting and Seismic Shaking (4.3-1)</p> <p>19. Slope Stability (4.3-2)</p> <p>20. Public Health Hazards Associated with Expanded Composting (4.6-2)</p> <p>21. Potential Attraction and Breeding of Vectors That Could Spread Disease (4.6-3)</p> <p>22. Potential Bird Strikes with Airplanes from Travis AFB (significant air traffic hazard) (4.6-4)</p> <p>23. Potential Human Exposure to Biosolids (4.6-7)</p> <p>24. Disturbance of Unidentified Cultural Resources (4.11-1)</p>		None.		<p>Changes or alterations are within the responsibility and jurisdiction of another public agency and not BCDC. Such changes have been or will be adopted by the County or another public agency and include (as outlined in the DEIR):</p> <ul style="list-style-type: none"> • Requiring final design documents for landfill expansion to be prepared pursuant to: <ul style="list-style-type: none"> ○ CCR Title 27, §20370, which requires the expansion to demonstrate the ability of the landfill to withstand ground shaking associated with the Maximum Probable Earthquake; and ○ CCR Title 27, §21090, which requires the integrity of the final slopes under both static and dynamic conditions be ensured and specifies maximum final slopes and minimum design requirements. • Requiring compliance with the state-mandated performance standards (CCR Title 14) regarding the operation of the 	<ul style="list-style-type: none"> • See DEIR, pp. 2-5 – 2-43.

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				<p>expanded composting facility.</p> <ul style="list-style-type: none"> • Requiring compliance with CCR Title 27, §20810, to take adequate steps to control or prevent the propagation, harborage or attraction of flies, rodents or other vectors and to minimize bird problems, and comply with any enforcement actions identified by the Local Enforcement Agency (LEA). • Requiring compliance with CCR Title 14, Division 7, Chapter 5, as enforced by the LEA and CalRecycle for biosolids composting operations. • Adopting measures outlined in the FEIR for cultural resources discovered during project implementation activities that include retaining the services of a qualified archaeologist or paleontologist, contacting the County Coroner, and ceasing work. 	

SMPA = Suisun Marsh Preservation Act; SMPP = Suisun Marsh Protection Plan; LPP = Solano County’s Local Protection Program; Sp. Cond = Special Condition; DEIR = Draft Environmental Impact Report (November 24, 2003); USFWS = U.S. Fish and Wildlife Service; CDFG = California Department of Fish and Game; RWQCB = Regional Water Quality Control Board; LEA = Local Enforcement Agency

TABLE 2 — OTHER ISSUES REGARDING LPP CONSISTENCY

LPP Issue	LPP Policy	Mitigation/Avoidance Measure	Finding	Reference Location (Reference to Staff Recommendation)
<p>HABITAT LOSS:</p> <p>Loss of 210-acres of upland agricultural habitat in the secondary management area of the Marsh and 2.42-acres of water features, including Spring Branch Creek and 11 wetlands (167-acres represent actual landfill footprint)</p>	<p>LPP, Policy 1, Wildlife Habitat Management and Preservation – <i>“The diversity of habitats...should be preserved and enhanced wherever possible...”</i></p> <p>LPP, Policy 2, Agriculture - <i>“Agricultural uses consistent with the protection of the Marsh...should be maintained in the secondary management area. In the event such uses become infeasible, other uses compatible with protection of the Marsh should be permitted...”</i></p> <p>LPP, Policy 3, Agricultural and Open Space – <i>“Existing uses should continue in the upland grasslands...to protect the Marsh and preserve valuable marsh-related wildlife habitats. Where feasible, the value of upland grasslands and cultivated lands as habitat for marsh-related wildlife should be enhanced.”</i></p> <p>LPP, Policy 3, Agriculture – <i>“Existing non-agricultural uses, such as Solano Garbage Company...should be allowed to continue if they are conducted so that they will not cause adverse impacts on the Suisun Marsh. Any future change in uses in these sites should be compatible with the preservation of the Suisun Marsh and its wildlife resources.”</i></p>	<ul style="list-style-type: none">• Preserve 914.71-acres of upland agricultural habitat in the secondary management area and 71.02-acres of water features and dedicate for wildlife use in perpetuity.• Create additional 8.07-acres of water features and dedicate for wildlife use in perpetuity.• Re-plant and return both Phase I and Phase II landfill sites (357-acres) to agricultural use following landfill closure; require native planting program upon closure.	<p>The project, as mitigated, is compatible with the preservation of the Suisun Marsh and its wildlife resources and consistent with the policies of the LPP which call for:</p> <ul style="list-style-type: none">• Preserving a diversity of habitats in the Marsh and surrounding area;• Maintaining agricultural uses in the secondary management area or, if infeasible, permitting other uses “compatible with protection of the Marsh”• Continuing existing uses in the upland grasslands to protect the Marsh and preserve valuable marsh-related habitat; and• Ensuring that continuing existing non-agricultural uses (such as the landfill) “will not cause adverse impacts on the Suisun Marsh and that future changes in such uses are “compatible with the preservation of the Suisun Marsh and its wildlife resources.”	<ul style="list-style-type: none">• Discussion on pp. 17 - 22• Sp. Cond. II-D, Conservation Areas (p. 10)• Sp. Cond. II-E, Mitigation and Habitat Monitoring (p. 11)• Sp. Cond. II-T, Landfill Closure (p. 16)
<p>ECOLOGICAL IMPACTS:</p> <ul style="list-style-type: none">• Groundwater withdrawal	<p>LPP, Policy 2, Water Quality – <i>“...Withdrawal [of groundwater] should not be so extensive as to allow the salt water of the Marsh to intrude into fresh water aquifers [sic], or to disrupt the natural subsurface flow of groundwater into the Marsh.”</i></p>	<ul style="list-style-type: none">• Require approvals from RWQCB or other relevant agency to be obtained prior to groundwater withdrawal.• Limit withdrawal to pumping rate and seasonal limitations determined by RWQCB to not significantly impact privately owned water supply wells located nearby (2,000 feet or more).	<p>By requiring RWQCB approvals and pumping levels be maintained at a rate approved by the RWQCB, the withdrawal of groundwater at well Griffith-6R will not be so extensive as to allow the salt water of the Marsh to intrude into fresh water aquifers or to disrupt the natural subsurface flow of groundwater into the Marsh.</p> <p>Changes or alterations are within the responsibility and jurisdiction of another public agency and not BCDC. Such changes can and should be adopted by another agency (RWQCB),</p>	<ul style="list-style-type: none">• Discussion on pp. 33 - 34• Sp. Cond. II-M, Groundwater Withdrawal (p. 15)

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RECREATION AND MARSH ACCESS	<p>LPP, Policies 2 and 5, Recreation and Marsh Access –</p> <p><i>“Land should also be purchased for public recreation and access to the Marsh for such uses as...nature study...Improvements for public use should be consistent with protection of wildlife resources.”</i></p> <p><i>“Recreational activities that could result in adverse impacts on the environmental or aesthetic qualities of the Suisun Marsh should not be permitted. Levels of use should also be monitored to insure that their intensity is compatible with...protection of the Marsh environment...”</i></p>	<ul style="list-style-type: none"> Develop 57,000-square-foot overlook on Solano Garbage Company landfill site with improvements that blend with Marsh landscape. Dedicate easements over 12,200-linear-feet (2.31 miles) of existing, approximately 10-foot-wide dirt roads and trails on the Southern Hills. Provide \$300,000 to the Solano Land Trust over 25 years for Rush Ranch public access. 	By requiring approximately 179,000 square feet of new public access, and contributions to Rush Ranch for their public access program, the project is consistent with the Recreation and Marsh Access section of the LPP.	<ul style="list-style-type: none"> Discussion on pp. 55 - 56 Sp. Cond. II-B, Public Access (p. 8) Sp. Cond. II-C, Rush Ranch Funding (p. 10)
<p>BYPASS ROAD</p> <p>Reactivation of bypass lane adjacent to Potrero Hills Lane</p>	<p>LPP, Policy I(e), Utilities, Facilities, and Transportation</p> <p><i>“New roadways...that form barriers to movement of terrestrial wildlife should not be constructed in the Suisun Marsh...”</i></p>	<ul style="list-style-type: none"> Removed from authorization. 	Because the proposal to reactivate the bypass lane adjacent to Potrero Hills Lane has been removed from the project, the project is consistent with LPP Policy I(e).	<ul style="list-style-type: none"> Discussion on p. 55

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